

As discussed in the present specification at pages 1 and 2, Applicant's invention overcomes the problem of engine vibrations being transmitted directly to the vehicle frame and then into the driver's cab. In Applicant's invention, the internal combustion engine is mounted on the rear weight such that vibrations from the engine are transmitted into the rear weight, not the frame. Because of its large mass, the rear weight absorbs much of these engine vibrations. Thus, vibrations transmitted to the other areas of the truck are greatly reduced due to the damping effect of the rear weight.

Chene discloses a drive unit 1 in the shape of an inverted U with a roof 2 and two side walls 3a, 3b. The roof 2 supports a shrouded power source 6. As shown in Fig. 4, the Chene drive unit can be attached at the end of a bus. In paragraph 2 of the Office Action, the Examiner states that it would be obvious to incorporate the Chene drive unit into an industrial truck to render claim 1 obvious. Specifically, the Examiner states that Chene "...discloses a 'rear weight' formed by a structural member 1 which is adapted in one configuration to be attached to the rear of a commercial vehicle. An engine is fastened to the rear weight and the rear weight is fastened to the rear of a vehicle." Applicant respectfully disagrees with this assessment. First, Chene is directed to a modular drive unit and has nothing whatsoever to do with industrial truck rear weights. Conventional industrial truck rear weights or counterweights are well known in the industrial truck field and are used to counterbalance loads carried on the front of the industrial truck. The Chene invention is directed to a modular drive unit which can be coupled and uncoupled to a vehicle, such as a bus, for ease in switching or replacing the vehicle drive unit. The Chene drive unit is not a "rear weight" as that term is known and commonly used in the industrial truck field. In none of the Chene embodiments is a load carried on the front of the vehicle for which a rear weight would be required. It appears that the Examiner is broadly equating anything with mass attached to the rear of a vehicle as a "rear weight". This is simply incorrect. Additionally, while Chene does disclose that the drive unit 1 supports a shrouded power source 6, there is no teaching as to how this power source is connected to the drive unit. The Chene drive unit is simply not analogous to a conventional industrial truck rear weight and Applicant respectfully requests reconsideration of the rejection of claim 1 based on the Chene patent.

Raleigh discloses a model (toy) racing car having an engine 24 carried on a mounting platform 19. The mounting platform 19 is coupled to the chassis 11 by a pivot block 29. In paragraph 6 of the Office Action, the Examiner describes Raleigh as disclosing a rear weight "...which is adapted in one configuration to be attached to the rear of a

commercial vehicle.” This is also incorrect. Raleigh is directed to a toy car and has nothing whatsoever to do with commercial vehicles, such as industrial trucks. Applicant does not believe one of ordinary skill in the industrial truck art would look to a toy racing car to modify a commercial industrial truck. Further, even if such a modification were made, it would not result in an industrial truck having an internal combustion engine mounted on the rear weight, as claimed in claim 1. Therefore, claim 1 is believed patentable over the Raleigh patent as well. Reconsideration of the rejection of claim 1 is respectfully requested.

Claim 21 is directed to an industrial truck comprising a frame, a rear weight separate from the frame and connected to the frame, and an internal combustion engine fastened to the rear weight such that the internal combustion engine is carried on the industrial truck by a rear weight.

As discussed above, Chene does not disclose an industrial truck rear weight. Nor does Chene disclose a rear weight separate from the frame and connected to the frame, with an internal combustion engine fastened to the rear weight such that the internal combustion engine is carried on the industrial truck by the rear weight. Moreover, Raleigh is directed to a toy racing car and is completely non-analogous to commercial industrial trucks. Therefore, claim 21 is believed patentable over both Chene and Raleigh for substantially the same reasons as discussed above. Reconsideration of the rejection of claim 21 is respectfully requested.

Claim 22 is directed to an industrial truck comprising a frame, a rear weight separate from the frame and connected to one end of the frame, and an internal combustion engine mounted on the rear weight by fastening means such that vibrations from the engine are transmitted to the rear weight by the fastening means and such that the engine is connected to the frame by the rear weight. For substantially the same reasons as discussed above with respect to claims 1 and 21, Applicant believes claim 22 is also patentable over both the Chene and Raleigh references. Reconsideration of the rejection of claim 22 is respectfully requested.

Claims 2-6 and 8-14 stand rejected under 35 U.S.C. § 103(a) for obviousness over the teachings of either Chene or Raleigh in view of the teachings of U.S. Patent No. 6,085,858 to Wakana et al. (hereinafter “Wakana”).

Chene and Raleigh have been discussed above. Wakana discloses a suspension assembly in which an engine 3 is mounted on resilient engine mounts 4. The engine is attached to the vehicle frame through a torque rod 6 (Wakana at column 8, lines 30-33). Wakana, either alone or in combination with Chene and/or Raleigh, does not teach or

suggest an industrial truck as claimed in claim 1 having a rear weight separate from the frame and an internal combustion engine mounted on the rear weight, with the rear weight positioned between the engine and the frame such that vibrations from the engine are transmitted from the engine to the rear weight and from the rear weight to the frame. As discussed above, Chene does not disclose any specifics as to how the engine is mounted in the drive unit. Moreover, the drive unit itself is not analogous to an industrial truck rear weight. The Raleigh toy car also has no counterpart to the claimed rear weight. Wakana does not overcome these deficiencies in Chene or Raleigh. Therefore, since claims 2-6 and 8-14 depend either directly or indirectly from claim 1, claims 2-6 and 8-14 are believed allowable for substantially the same reasons as discussed above with respect to claim 1. Moreover, claim 3 includes the limitation that the internal combustion engine is mounted on fastening means located on the rear weight such that engine vibrations are transmitted directly to the rear weight, not the frame. Claims 6, 13, and 14 include the limitation of a torque support (shown as reference number 7 in Figs. 1 and 2) that connects the internal combustion engine with the rear weight. Claim 12 includes the limitation that the torque support extends between and is connected to both the internal combustion engine and the rear weight. None of these specific limitations is taught or suggested in the cited prior art. Therefore, for all of the above reasons, claims 2-6 and 8-14 are believed patentable over the cited prior art and in condition for allowance. Reconsideration of the rejections and allowance of claims 2-6 and 8-14 are respectfully requested.

Claim 7 stands rejected under 35 U.S.C. § 103(a) for obviousness over the teachings of either Chene or Raleigh in view of the teachings of U.S. Patent No. 3,645,349 to Nichter.

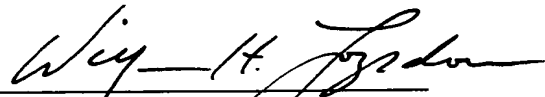
Nichter discloses a tractor unit having a pair of tracks 23 and 25 driven by a hydraulic system having a reservoir 43, a gasoline engine 47, and a pair of hydraulic pumps 53 and 55 (Fig. 2). Again, Nichter, either alone or in combination with Chene and/or Raleigh, does not fairly teach or suggest the claimed industrial truck with an internal combustion engine mounted on the rear weight. Moreover, none of the cited references teaches or suggests a hydraulic unit fastened to the internal combustion engine with both the hydraulic unit and internal combustion engine mounted on the rear weight, as specifically claimed in claim 7. It appears that the Nichter hydraulic system is mounted on the underside or body of the tractor unit, not on a rear weight. Therefore, for all of the above reasons, Applicant believes claim 7 is patentable over the cited prior art and in condition for allowance. Reconsideration of the rejection of claim 7 is respectfully requested.

Claims 15-19 stand rejected under 35 U.S.C. § 103(a) for obviousness over the teachings of either Chene or Raleigh in view of the teachings of Wakana and Nichter. As discussed above, neither Chene, Raleigh, Wakana, or Nichter, either alone or in combination, fairly teaches or suggests an industrial truck having an internal combustion engine mounted on the rear weight, with the rear weight positioned between the engine and the frame, such that vibrations from the engine are transmitted from the engine to the rear weight and from the rear weight to the frame, as claimed in claim 1. Since claims 15-19 depend from claim 1, claims 15-19 are believed patentable over the cited references for substantially the same reasons as discussed above with respect to claim 1. Reconsideration of the rejections of claims 15-19 is respectfully requested.

In view of the above remarks, Applicant believes claims 1-19, 21, and 22 are patentable over the cited prior art and are in condition for allowance. Reconsideration of the rejections and allowance of claims 1-19, 21, and 22 are respectfully requested.

Respectfully submitted,

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